

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LARRY F. MUNTIAN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 10-14809
Honorable Patrick J. Duggan

**OPINION AND ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING COMPLAINT WITH PREJUDICE**

On December 3, 2010, Plaintiff filed this lawsuit challenging a final decision of the Commissioner denying Plaintiff's application for Social Security Disability Insurance Benefits and Supplemental Security Income. On the same date, this Court referred the matter to Magistrate Judge Mark A. Randon for determination of all non-dispositive matters and issuance of a report and recommendation with respect to dispositive matters pursuant to 28 U.S.C. § 636(b)(1). Plaintiff thereafter failed to file a motion for summary judgment in accordance with Magistrate Judge Randon's scheduling order, failed to file a motion even after the deadline was extended, and did not respond to Magistrate Judge Randon's show cause order notifying him that if he failed to file a motion a report and recommendation would be issued recommending that his case be dismissed with prejudice.

Therefore, on April 10, 2012, Magistrate Judge Randon issued a report and

recommendation recommending that Plaintiff's Complaint be dismissed with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). At the conclusion of the R&R, Magistrate Judge Randon advises the parties that they may object and seek review of the R&R within fourteen days of service upon them. (R&R at 4.) He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.*, citing *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Randon.

Accordingly,

IT IS ORDERED that Magistrate Judge Randon's April 10, 2012 report and recommendation is **ADOPTED** and Plaintiff's Complaint is **DISMISSED WITH PREJUDICE** for failure to prosecute.

Date: June 4, 2012

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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Magistrate Judge Mark A. Randon